

BDR 3-921

AB 386

EXECUTIVE AGENCY FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 23, 2015

Agency Submitting: Nevada Department of Corrections

Items of Revenue or Expense, or Both	Fiscal Year 2014-15	Fiscal Year 2015-16	Fiscal Year 2016-17	Effect on Future Biennia
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

The Nevada Department of Corrections has reviewed BDR 3-921 which amends NRS 205 to institute new trespassing laws. Section 46 provides penalties for unauthorized habitation and forcible occupation of an uninhabited or vacated dwelling without permission of the owner with the intent to take possession of the dwelling for one self or another person. Housebreaking in this manner will be a category D felony and will be punished with one to four years in a state prison. Section 47 dictates that taking possession of a residence that is uninhabited or vacant, by a person who has reason to believe that the residence is without permission of the owner of the residence or a person serving as the representative of the owner, is guilty of unlawful occupancy. Three or more instances of unlawful occupancy will be a D felony and punishable with one to four years in prison. The Nevada Department of Corrections reviewed the proposed law and noted that invasion of a home is a B felony and punishable with one to ten years in prison per NRS 205.067. Thus, future convictions will either result in shorter or longer sentence terms, depending on the specific circumstances of the crime. Thus, the impact of Section 46 cannot be determined at this time. A category D felony conviction per Section 47 will require three or more offenses, and the impact of passage of this provision won't be felt in the short-term future or will be punished as a B felony based on the circumstances.

Name Scott K. Sisco

Title Deputy Director

DEPARTMENT OF ADMINISTRATION'S COMMENTS

The agency's response appears reasonable.

Date Monday, March 23, 2015

Name James R. Wells, CPA

Title Interim Director